

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

MICHAEL MOTTO,

Plaintiff,

v.

CIVIL ACTION NO. 5:07-cv-00627

C. J. RIDER, et al.,

Defendants.

MEMORANDUM OPINION

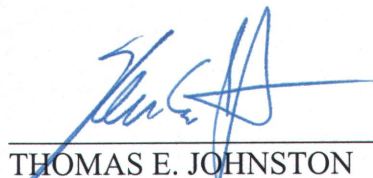
Pending before the Court are Plaintiff's Application to Proceed *in Forma Pauperis* [Docket 1], Motion for Injunctive Relief [Docket 4], and Motion to Withdraw and Dismiss Complaint [Docket 8]. By Standing Order entered on August 1, 2006, and filed in this case on October 9, 2007, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation (PF&R). Magistrate Judge VanDervort filed his PF&R [Docket 9] on August 18, 2008, recommending that this Court **GRANT** Plaintiff's motion to withdraw his complaint and **DENY AS MOOT** his application to proceed in forma pauperis and motion for injunctive relief.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's

Order. 28 U.S.C. § 636(b)(1); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the PF&R were due in this case by September 5, 2008. To date, no objections have been filed.

Accordingly the Court **ADOPTS** the PF&R [Docket 9] in its entirety, **GRANTS** Plaintiff’s Motion to Withdraw and Dismiss Complaint [Docket 8], and **DENIES AS MOOT** Plaintiff’s Application to Proceed *in Forma Pauperis* [Docket 1], Motion for Injunctive Relief [Docket 4]. A separate Judgment Order will enter this day implementing the rulings contained herein.

ENTER: September 9, 2008



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE